

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, June 6, 2013 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF MAY 9, 2013, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

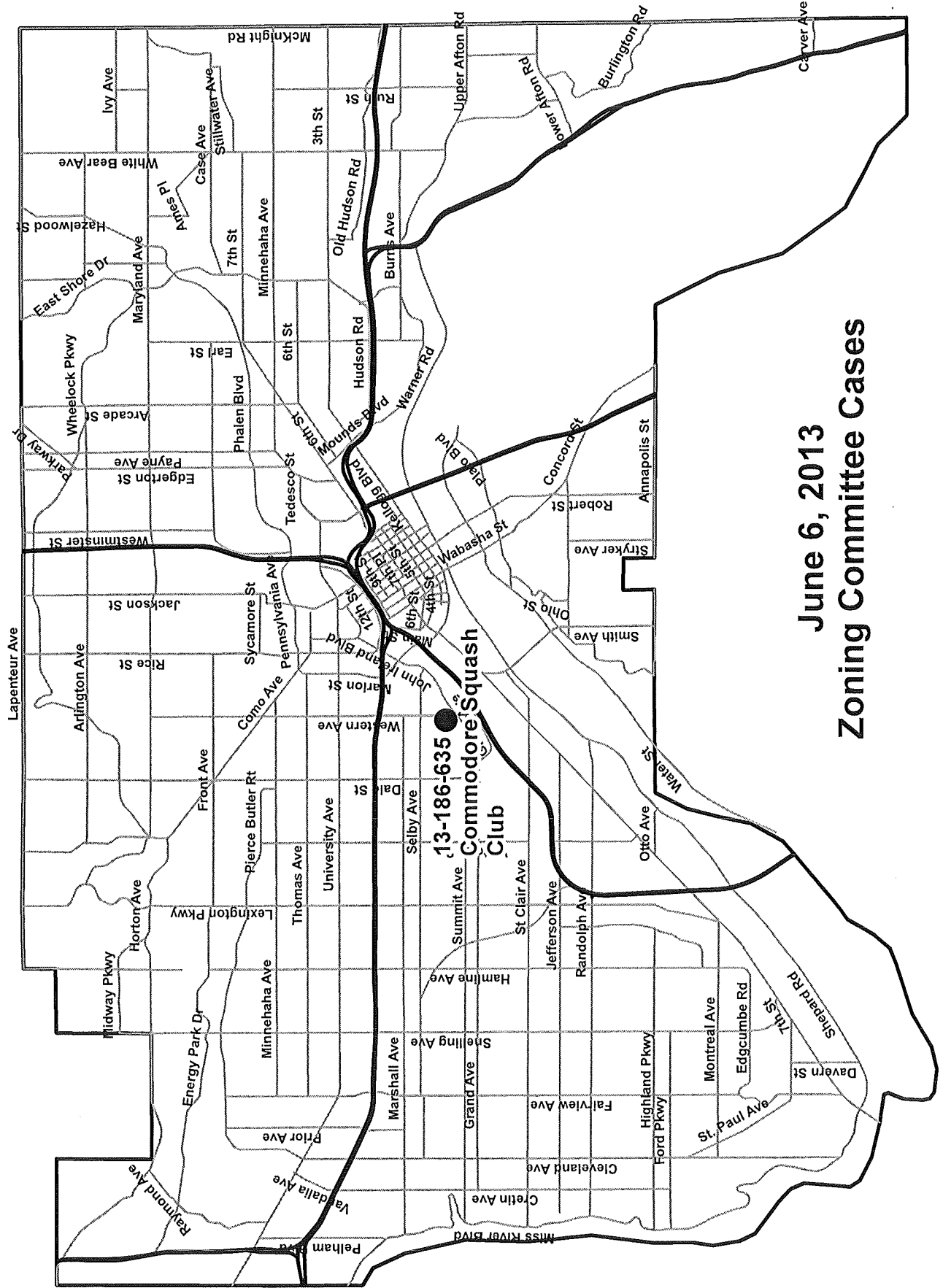
- 1 13-186-635 Commodore Squash Club**
Change of nonconforming use to allow private liquor service to members of existing squash club
79 Western Ave N & 384 Ashland Ave, between Arundel and Western
RM3
Hilary Holmes 651-266-6612

ADJOURNMENT

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



June 6, 2013 Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Commodore Squash Club **FILE #** 13-186-635
 2. **APPLICANT:** Commodore Squash Club **HEARING DATE:** June 6, 2013
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
 4. **LOCATION:** 79 Western Ave N, between Arundel and Western
 5. **PIN & LEGAL DESCRIPTION:** 012823240220, Woodland Park Addition to St Ex Garage Parcel Below Elev 222.57 Ft Thru 240.15 Ft St Paul Datum As Desc In Doc No. 2084985, The Fol; Vac Alley Accruing & S 6.29 Ft Of W 31.25 Ft, Ex E2.35 Ft Of N 131.76 Ft, Lot 19, E 20 Ft Of Lot 17 & All Of Lot 18 Blk 13; 021823240245, Woodland Park Addition to St. Paul Vac Alley Accruing Subj to Ests the Fol Subj to Alley Lot 5 of Lots 3 & 4 Blk 13. *PIN 012823240075 is not included.*
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2, RM3
 7. **ZONING CODE REFERENCE:** §62.109(c)
 8. **STAFF REPORT DATE:** May 28, 2013 **BY:** Hilary Holmes
 9. **DATE RECEIVED:** May 16, 2013 **60-DAY DEADLINE FOR ACTION:** July 15, 2013
-

- A. **PURPOSE:** Change of nonconforming use to allow private liquor service to members of existing squash club.
- B. **PARCEL SIZE:** Club: 143 ft x 120 ft (17,850 sq ft) Parking lot: 150 ft x 150 ft (22,205 sq ft)
- C. **EXISTING LAND USE:** Health/sports club
- D. **SURROUNDING LAND USE:** The property is surrounded on all sides by a mix of residential uses.
North: Residential uses (RM2)
East: Residential/Institutional uses (RM2, RM3)
South: Residential uses (RT2)
West: Residential uses (RM2, RT2)
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the Planning Commission to allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** A one-story garage was built on the site in 1925 for the Commodore Hotel and remodeled into classroom/office space in 1967 (DSI Building Permit history). Dwellings at 399-407 Holly Avenue (immediately south of the classroom/office) were demolished in 1968 and a zoning application for a 24 space parking lot approved in 1972. The classroom/office building was expanded onto the parking lot in 1976 to accommodate the squash club, which has been in continuous use since that time. In 1992, the club held liquor licenses for *Liquor on Sale-Over 100 seats* and *Liquor on Sale-Sunday*. In 1994 the club held a *Malt on Sale* (3.2) liquor license, which expired in 1998.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council had not made a recommendation at the time of this staff report.
- H. **FINDINGS:**
 1. The squash club is located at the west and rear of the Commodore Condominium building and has been in continuous use as a member-only club since 1976. The hours of operation are currently 5:30 a.m.-10:00 p.m. and are not proposed to change, with the exception of private events in which case the club would be open until 12:00 midnight. The club has a secured entrance. The club currently has 105 members. Invited guests of members are allowed, accompanied by the member. A liquor license would be accessory and specific to the squash club.
 2. Section 62.109(c) states: *The Planning Commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming*

use is first allowed, if the commission makes the following findings:

- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The proposed use will remain a squash club, with an accessory liquor license for private liquor service to members. This is equally appropriate to the neighborhood as the existing nonconforming use since it does not intensify the primary use. Health/sports club (the squash club) is first permitted in the T2 traditional neighborhood district, whereas golf clubs that include private liquor service to members are first permitted as a conditional use in single-family residential districts.
- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The traffic patterns associated with the proposed use will be similar to those generated by the existing health/sport club use. The parking requirement is based on the primary use as a health/sport club, which remains the same; therefore the parking requirement will not change.
- c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use will be consistent with the existing character of the neighborhood and will not endanger the public health, safety, or general welfare. It is an accessory service to an existing and limited membership club and is not dissimilar from the variety of mixed commercial and event uses along Selby Avenue and Summit Avenue.
- d. *The use is consistent with the comprehensive plan.* This finding is met. The Land Use Chapter in the Comprehensive Plan identifies the strategy to target growth in unique neighborhoods by "sustaining the character of Saint Paul's existing single-family neighborhoods while providing for the growth of mixed-use communities." The proposed use is consistent with Policy LU 1.7 to "permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods." Western Avenue is identified as a Residential Corridor; Residential Corridors are predominately characterized by medium density residential uses that connect to adjacent commercial areas. Therefore the proposed use is consistent with the Comprehensive Plan.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Change of nonconforming use to allow private liquor service to members of the existing squash club subject to the following additional condition(s):

1. Liquor service shall be limited to daytime and evening squash club hours of operation, with no liquor service after 12:00 midnight.

RECEIVED

MAY 16 2013



NONCONFORMING USE PERMIT APPLICATION

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning Office Use Only

File #: 13-186635

Fee: 700.00

Tentative Hearing Date: 6-6-13

PD=8

012823 24 0220

012823 24 0245

APPLICANT

Name Commodore Squash Club

Address 79 Western Ave North

City St. Paul St. MN Zip 55102 Daytime Phone 651-228-1446

Name of Owner (if different) John O'Brien

Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location Same as Above

Legal Description Commodore Squash Club

Current Zoning RM3

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☒ Change from one nonconforming use to another (para. c)
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Health + Sports Club / Squash

Proposed Use Same, but with a Club Liquor License.

Attach additional sheets if necessary

We are a small private club with roughly 120 members, planning to grow to a cap of 200 members. We had a 3.2 License in 1997, but let it lapse. Please see supporting documents.

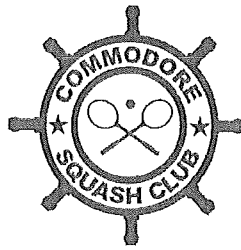
Attachments as required ☐ Site Plan

☐ Consent Petition

☐ Affidavit

Applicant's Signature M. John O'Brien Date 5/16/13 City Agent add

5-16-13



Dear St. Paul Planning Commission,

April 26, 2013

My name is Michael John O'Brien, and I am the owner of the Commodore Squash Club, established in 1976. We are a small private club with fewer than two hundred members. I respectfully request that you, please, approve a change from one nonconforming use to another. I wish to obtain a Club Liquor License so as to provide the sale of liquor by the glass for consumption on the premises to bona fide members and guests. To help with your "findings," I will briefly address each of the following issues:

- The proposed use is equally appropriate or more appropriate to the neighborhood than the existing use.
This is true primarily because the proposed use is exactly the same as it is now, except that members and guests will be able to enjoy a quiet beer after a match.
- The traffic generated by the proposed use is similar to that generated by the existing nonconforming use
This also is true, but for the likelihood that there will be somewhat fewer traffic and parking issues in the neighborhood because members won't have to drive off to a bar somewhere for a drink.
- The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare
This is true as well. Only members and guests are allowed inside the locked clubhouse door. Our club generally closes at 10:30 pm, and we are happy to observe a midnight cutoff on those rare occasions when we have a special event.
- The use is consistent with the comprehensive plan
I believe the comprehensive plan must be to support local reputable businesses whenever possible. Mine is a modest request I make on behalf of my members.

I am attaching information related to parking, legal descriptions of the property, as well as a site plan of the clubhouse. Included is a check for \$700. I doubt a parking variance is in order, as I own 44 parking spaces directly outside the front door of the clubhouse, plus an easement over an additional 38 adjoining for those rare times we require more parking.

Respectfully Submitted,

M. John O'Brien

M. John O'Brien
Owner of the Commodore Squash Club
79 Western Avenue North,
St. Paul, MN, 55102
651-228-1446



RECEIVED

MAY 16 2013

Per _____

May 16, 2013

Hello Commodore Condominium Association,

My name is John O'Brien, and I am the owner of the Commodore Squash Club, <http://www.commodoresquashclub.com>. For those of you who do not know me, I am writing to introduce myself, and to let you know of some modest plans I have for the squash club, located right behind you at 79 Western Ave, N., St. Paul, MN, 55102. Since you are my closest neighbors, I want to keep you informed, and possibly enlist your help going forward should there be any concerns. As a general rule, I have found in life it helps to keep people in the loop.

In short, I am working with City Zoning, the City Council, the St. Paul Planning Commission, and the Summit University Planning Council, to change from one non-conforming use permit to another. It is the first step in a process which would eventually lead to a "Club Liquor License," and the legal consumption of alcohol at the squash club. To qualify, a club must be registered with the state, be at least five years old, and have at least fifty members; all of which we meet. As a resident of nearby Crocus Hill, I share your pride that we live in a peaceful and historic part of St. Paul. I anticipate obtaining this license will have minimal impact on the quiet character of our neighborhood, and only enhance the genteel nature of the Commodore Squash Club. This process will bring my tiny club more into the public view, which is just fine. I hope doing so will create a greater awareness of my business, and attract new customers. My plan is to offer a very limited selection of beverages to members during normal business hours.

Some of you may remember back in 1997 I obtained a 3.2 beer license. I let it lapse shortly thereafter concluding I was not particularly interested in selling 3.2 beer. I sold not one! Two years ago I hired a terrific head squash pro moving from Atlanta, Jeff Mulligan, who has helped rejuvenate the club. We are growing and having a lot of fun, focusing not only on squash but also on enhancing club amenities. Simply put, we would like to enable our members and guests to enjoy a quiet drink after a match. I do not view this as a major safety concern, or threat of any kind. We keep our doors locked, and will not have liquor available without staff on site. Club hours are from 5:30 am to 10 pm. Presently, we have around 120 members, and plan to cap membership at 200 given the small size of our facility. I own roughly two thirds of our parking lot, more than enough for club needs, except for those rare instances, perhaps five per year, when a tournament or large squash event results in some spillover to your side of the lot. Even at full capacity we would remain a small club, composed primarily of a professional clientele that loves squash.

I invite all of you to arrange a time for a visit with Jeff at 651-228-0501, so that you can see for yourself what a lovely club we have. He is keen to introduce people to this worldwide sport, and would be delighted to meet with you. Members travel from all around the metropolitan area to play squash here, and you live right next door! I hope you will be supportive of my modest initiative, and reacquaint yourself with our beautiful club.

Respectfully,

M. John O'Brien

John O'Brien
651-228-1446

ZONING INDEX

SCU - Special Condition Use
 DSU - Determination of Similar Use ✓
 REZ - Rezoning
 CNU - Change In Nonconforming Use
 VAR - Variance
 AR - Administrative Review
 SPR - Site Plan Review

79 Western Ave. N.

Street

S.W. cor. Ashland and Western

Location

Legal	Applicant	Type	ZF #	Action	Date
Lots 1,2,3,4,5, & E. 20 feet of Lot 6, Lots 22, 21,20,19,18, & E. 20 feet of 17, Block 13 Woodland Park Add.	Thomond O'Brien	SPR	270	Approved	7-25-80
same	J. Holtinger	P	229	Approved	- -35

Rev. June '81

N. Lots 1 & 2 - Blk 13 - Woodland Park Western (West side between Ashland & Holly)

(Street) (No. (Location)

(1) 3136

File No.

See also (2)

File No.

Hotel Commodore

See also (3)

File No.

Applicant

Filling Station ☐

Parking Lot ☒

Used Car Lot ☐

Other ☐

Council Disposition:

Withdrawn

Denied

X
Approved

170717
C. F. No.

October

29

1954

Month

Day

Year

Board of Zoning 19

Checked by

J. W. C.

BOARD OF ZONING
INDEX CARD

HOLLY

Street

North side between Arundel & Western

Location

Applicant

& Legal

& Use

*CL

ZF

Council

Action

Date

Lots 18-20 and E 20' of 17,
Block 13, Woodland Park
Addn.

Hotel Commodore, Inc.
Install 24-car parking lot

P

7551

Plans approved

11-30-73

*Key: AM - Amendment; AP - Appeal; P - Permit

support

Holmes, Hilary (CI-StPaul)

From: Kinney, Sarah K <SKinney@CBBURNET.COM>
Sent: Monday, May 27, 2013 12:01 PM
To: Holmes, Hilary (CI-StPaul)
Subject: File# 13-186-635

To: Saint Paul Planning Commission Zoning Committee

I am in favor of the change of non conforming use to allow private liquor service to members of the existing squash club at 79 Western Avenue North, the Commodore Squash Club.

I am sorry that I am unable to attend the hearing on June 6th, 2013.

Sincerely,

Sarah Kinney
78 Arundel Street
Saint Paul, MN 55102

651-231-3211

The information in this electronic mail message is the sender's confidential business and may be legally privileged. It is intended solely for the addressee(s). Access to this internet electronic mail message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it is prohibited and may be unlawful.

The sender believes that this E-mail and any attachments were free of any virus, worm, Trojan horse, and/or malicious code when sent. This message and its attachments could have been infected during transmission. By reading the message and opening any attachments, the recipient accepts full responsibility for taking protective and remedial action about viruses and other defects. The sender's company is not liable for any loss or damage arising in any way from this message or its attachments.

Nothing in this email shall be deemed to create a binding contract to purchase/sell real estate. The sender of this email does not have the authority to bind a buyer or seller to a contract via written or verbal communications including, but not limited to, email communications.

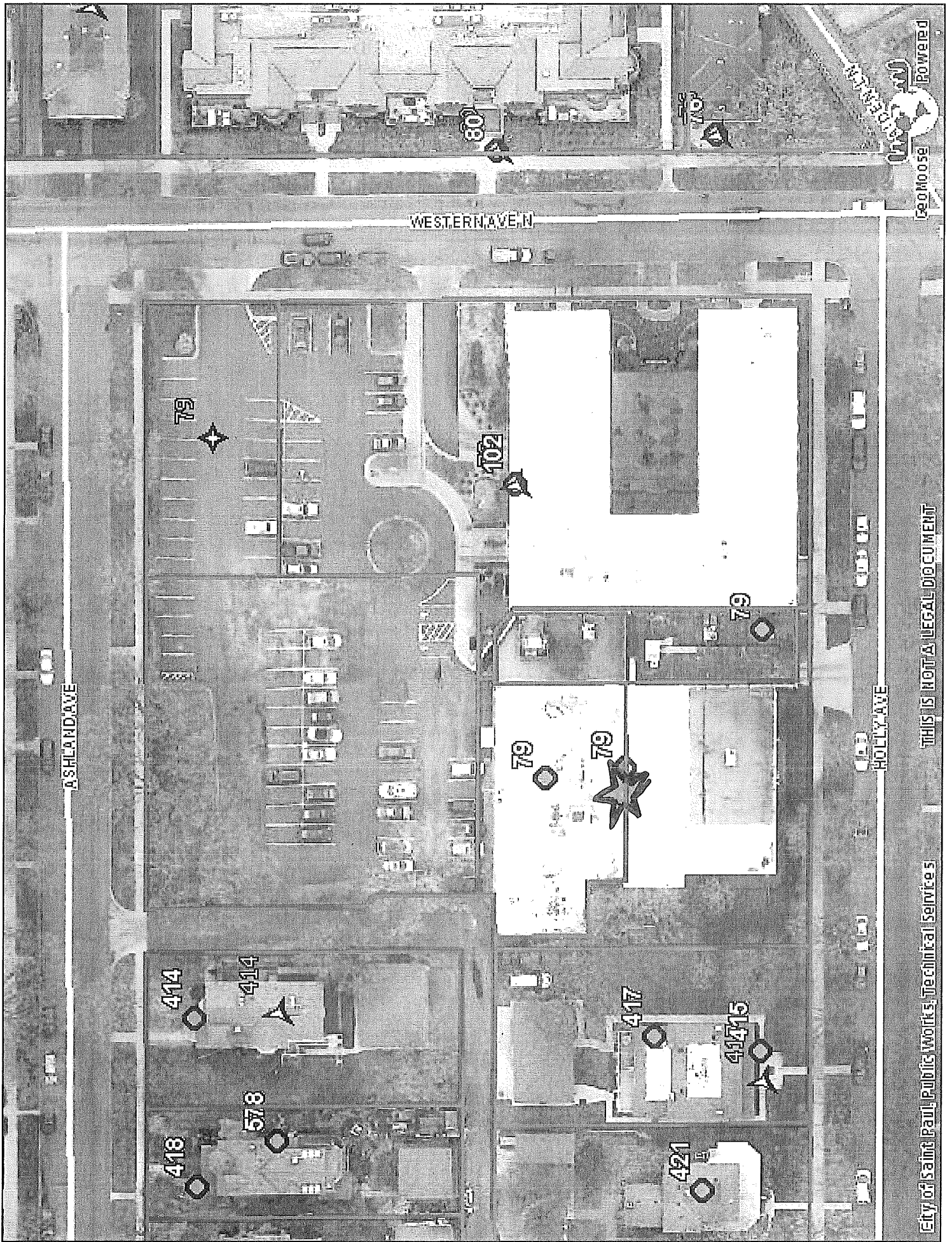
opposition

Holmes, Hilary (CI-StPaul)

From: MAUREEN O BRIEN Owner <maureensgoodlife@centurylink.net>
Sent: Wednesday, May 29, 2013 9:36 AM
To: Holmes, Hilary (CI-StPaul)
Subject: File # 13-186-635

Dear Ms Holmes:

As a neighbor living in close proximity to the Squash Club, I am against Mr. O'Brien's request for private liquor service to his club.



WESTERN

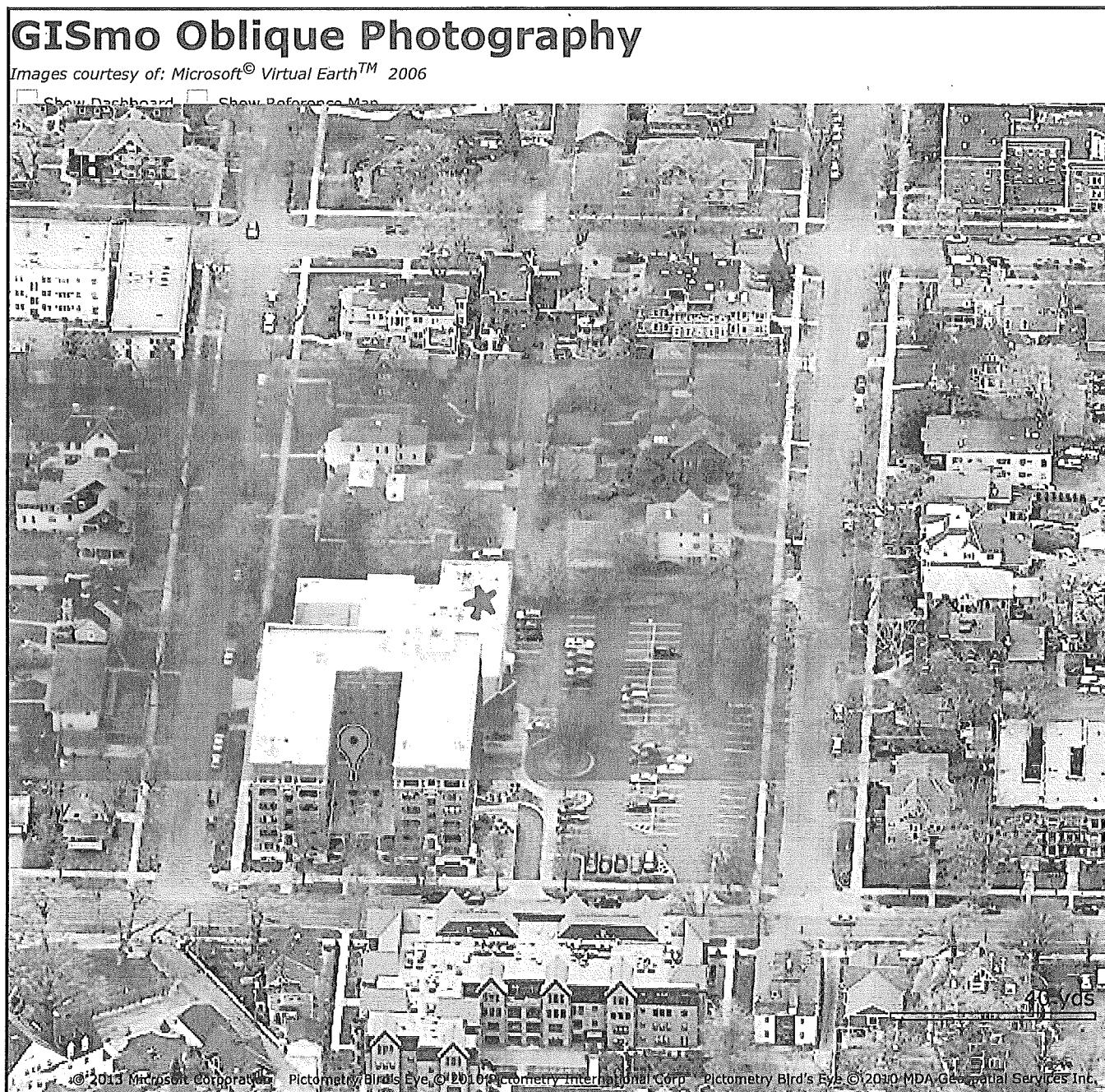
ASHLAND

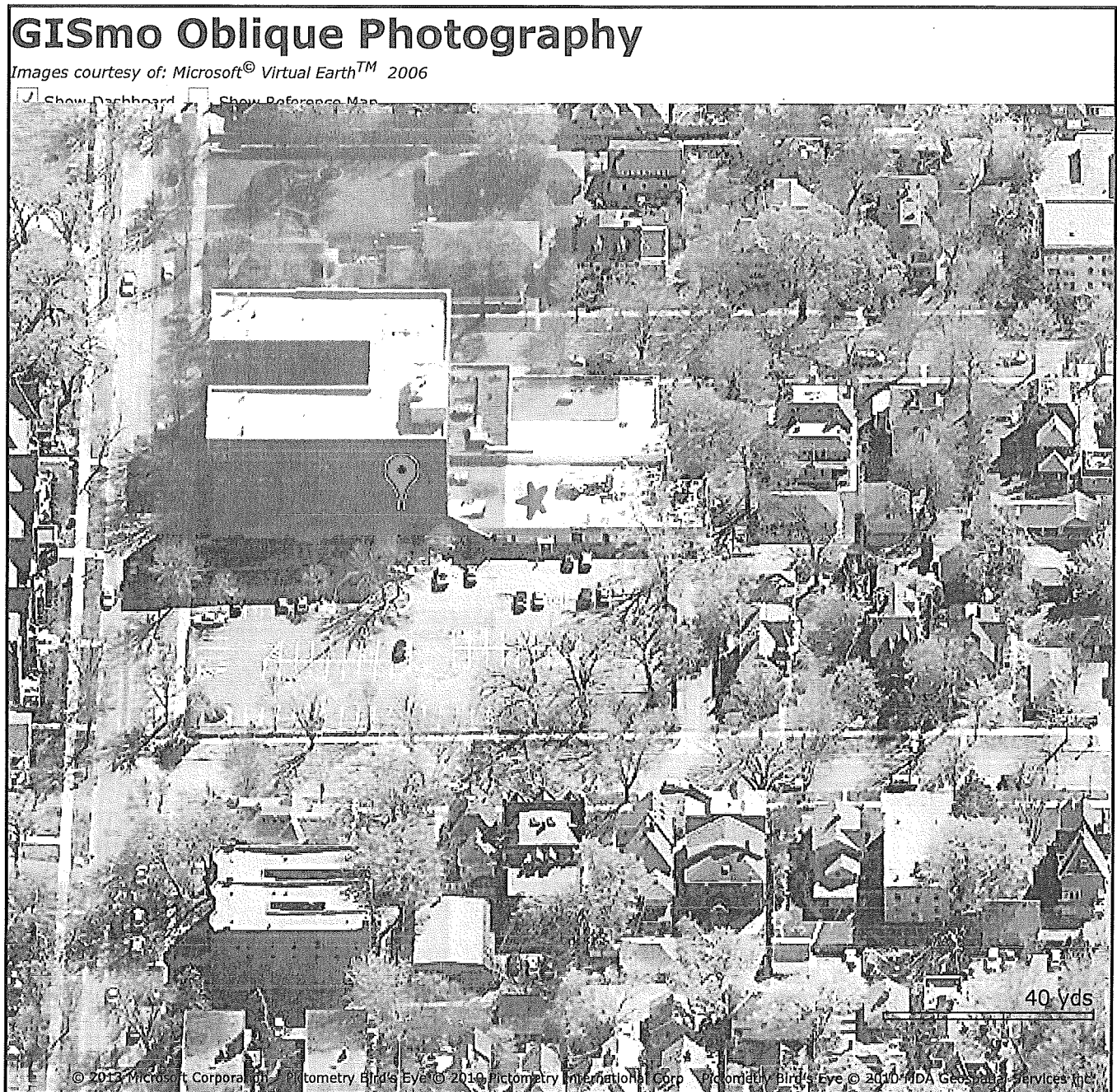
(245)

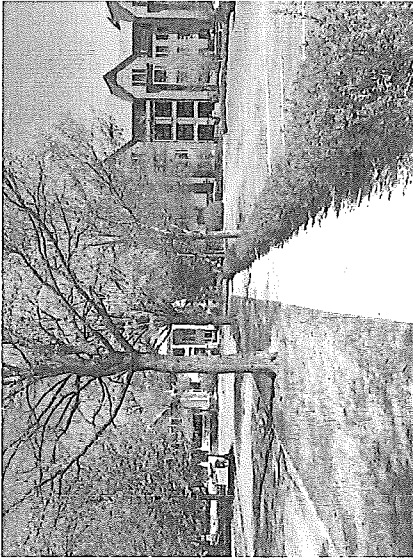
(220)



HOLLY



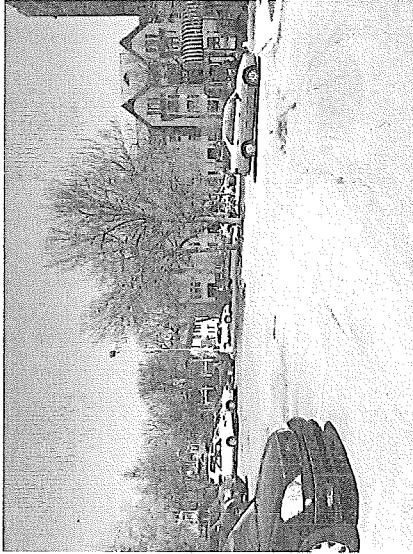




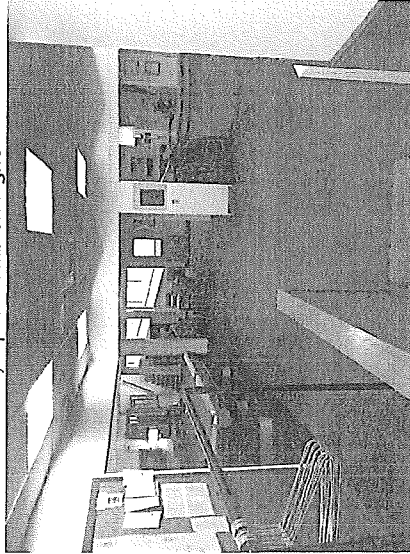
East, looking towards Western Ave, multi-family residential



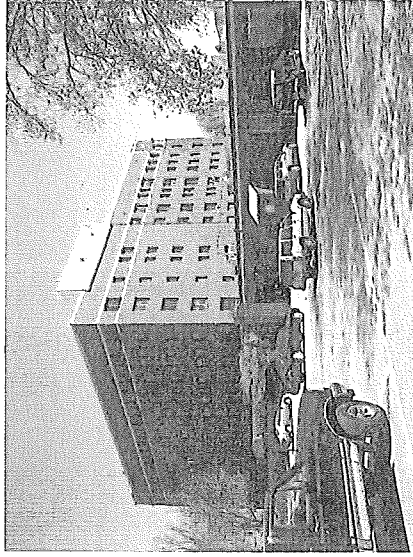
Looking west down Arundel, residential



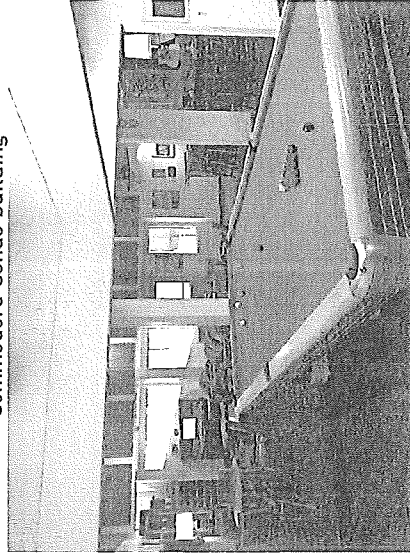
East, Commodore Condo and Squash Club parking lot, squash club on right



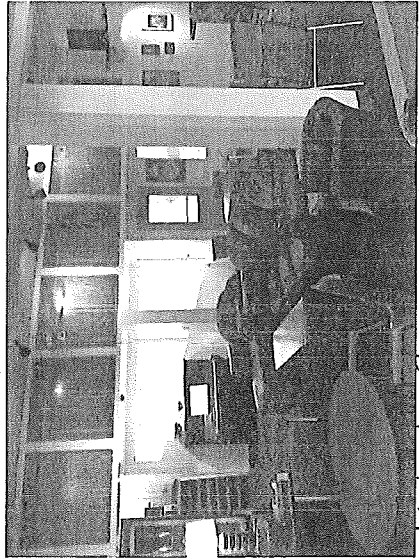
Interior, lounge area from entrance, bar on right



View Southwest, Squash Club entrance, rear of Commodore Condo building



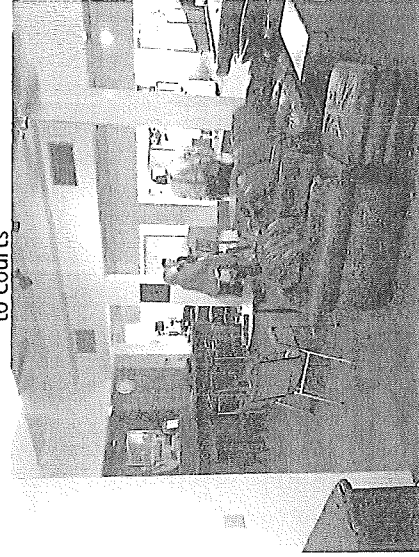
Interior, looking from office through lounge/bar area to courts



Interior, view of lounge area, entrance to courts



Interior, view of bar



Interior, looking towards entrance through lounge to courts

Commodore Squash Club, 79 Western Avenue N